CR 48/04

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL REVISION PETITION NO.48/2004

Prem Chand

Versus

Registered Firm Biharilal Kirodimal Workshop & Ors.

DATE OF ORDER :: 08/12/2006

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. R.K. Mathur, for petitioner

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Instant revision petition has been filed by the defendant-petitioner questioning the judgment and decree dated 13th February, 2001 of a sum of Rs.22981.94 passed by the learned trial Judge. Against which, he preferred appeal, but that was also dismissed vide judgment dated 10th December, 2003. Hence, this revision petition.

Counsel for petitioner submits that the business transaction, of which dispute was raised by the non-petitioner-plaintiff, was for the period of 31st March, 1984 wherein in fact the Firm itself has been closed and no transaction, thereafter, has taken place after 30th September, 1982 and thus, the very finding, which has been recorded by both the courts below for making recovery in regard to transaction, which has taken place in March, 1984, is not legally sustainable. Counsel further submits that the period, of which claim has been made, was barred by limitation and apart from it, no material has come on record which may establish from his

Accounts Book that there was sum which was due in relation to transaction, if at all, has taken place in March, 1984.

I have heard the submission of the counsel and perused the finding recorded under the order impugned.

The submission, which has been advanced by the counsel for petitioner, is nothing but reiteration of submission which he raised before the learned trial court and so also at the appellate stage. Both the courts below have recorded concurrent finding of fact that transaction has taken place and certainly, there was amount due and payable by the petitioner and from the accounts maintained, which were exhibited, it stands proved and both the courts below have considered the question of limitation and all the issues which were raised by the petitioner for consideration and is simply a reiteration of submission which he made before the court below.

I do not find any error which at all requires interference in the limited scope available u/s.115 CPC.

Consequently, the revision petition fails and is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.

After order was dictated, Shri R.K. Mathur, counsel for petitioner has made a request for marking his attendance in the order.